

**Ag Video Conference Notes**  
**December 17, 2008**  
**9 a.m.**

**Present:** Doug Hawker, Joe Sanfilippo, Gene Tinker, Eric Wiklund, Jeff Vansteenburgh, Dale Adams, Cindy Martens, Ken Hessenius, Paul Petitti, Alison Manz, Rhonda Pahl, Randy Clark, Bob Palla, Karen Grimes, Bill Gibbons, Sharon Tahtinen, Josh Sobaski and Jeannie Greiner.

**Variances for Surface Application of Manure** Please be reminded that applicators or site owners may call wanting permission to surface apply manure, but their permit/matrix state that they are going to inject or incorporate that manure. In these cases you must fill out the **variance** request that goes to the EPC. A copy of the variance was sent to the supervisors on 11/26/08 from Corey McCoid and should have been forwarded to all staff. Page 110 of Chapter 65 in the IAC under #26 “e” (C) for the matrix does give provision for a waiver if an emergency arises. Chapter 10 gives the waiver procedures in rule if you are interested in reading that. Applicators/producers must still be aware that an NOV for violation of the permit may be issued or ultimately an Administrative Order if surface application is not done in the correct manner or runoff results in water quality violations. If you need an example FO#2 (Clay Swanson) issued a variance this fall.

**NPDES Permitting** Capacity can be determined by what the producer says will be his/her maximum number of animals, even if the lot has the potential to hold more animals. If they are a large CAFO going under the animal threshold for requiring a permit they must enter into a **Consent Order** which they sign and is also signed by the Director. DNR will also require documentation such as inventory numbers or feed records to be submitted periodically. Randy will work with Ed to determine a procedure for this Consent Order (which will most likely be the “Referral Process”). They will also need to determine the documentation necessary for this, as well as a time table or frequency of submittal for the documentation. FO#1 and FO#4 currently have producers in this situation and they will work with Randy to format a template and procedures. There will be stipulated penalties for noncompliance.

FO#3 has created forms and letters that may be used for the applications of combined lots. These include:

- NMP review checklist
- NMP approval letter
- NMP Failure to submit letter (This will go to those that submit an application but no NMP.)
- NMP incomplete letter
- Response to Compliance schedule letter
- Letter to those that did not submit anything. These are facilities we are aware of. Letter was created by Dan O. and Bill Gibbons and was sent out to FO’s previously.
- Form for those not submitting an NPDES permit as to why?? Examples may be: will not discharge to state water, reducing head, confining all animals, etc.

**Existing NPDES permit-now need to add confinement animals**-If you have sites like this have them submit their application to amend their NPDES permit and update their MMP record keeping to include the 7 extra items required for an NMP. DNR feels that this will keep them in compliance if EPA visits these sites. It will be up to DNR as to whether to act on amendments or wait until their NPDES permit is due for renewal to add these animals. Ken will check with Steve Pollard (EPA) to see what their opinion is on this. If it is different Ken will let us know.

**Hoop Barns or other partially covered barns currently operating as open lots, now converting to confinements:**

This may be happening in order to eliminate discharge and complete controls necessary under the combined facilities NPDES permitting. Be reminded that these facilities **were built under open lot rules and may not qualify under the confinement rules.** Separation distances are different, construction requirements may be different, storage of manure is different, etc. If unpermitted size they will need to submit MMP and indemnity fees, meet separation distances, possibly install manure storage pads, submit CDS if required etc. If they are of permit size they will need to go through the complete permitting process-meeting separation distances, the matrix if applicable, MMP and fees, manure storage, CDS and possible as built requirements, earthen basin standards if manure storage is earthen floors, etc....

If distances can not be met remind them of waivers and secondary containment procedures.

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**Meeting on Manure Stockpiling** Gene, Randy and Sharon reported on a meeting they had with ICA and others regarding stockpiling of dry manure. Gene reminded us that confinements must retain their manure and stockpiling it in the field is not retaining it. ICA is proposing a new Chapter such as 459B that would allow for new separation distances for stockpiled dry manure. They are requesting rules specific to each species as poultry manure contains higher nutrients than bedded cattle manure. These species specific items would be added in Rule by DNR. This is all conceptual at this time and would require a large educational effort to the Iowa citizens to learn about differences in manure types and nutrients. Gene stated that the people at this meeting were cautioned that EPA doesn't view stockpiling favorably and if they are facilities >1,000 animals they would need to control the leachate as it would be considered a production area.

**NPDES Annual Reports:** These are due on 1/15/09. Please make sure they are submitted and if they are not in by 1/31/09 a Notice of Violation should be sent giving them 15 more days. If they are not submitted by that time the referral process will begin. (Discuss with Ken prior to referral.)

**ICA meeting** is in Des Moines January 5 and 6. It is fully staffed at this time.

**Pork Congress** is in Des Moines January 28 and 29 and is also fully staffed.

Also, applications for the **Governor's Environmental Excellence Awards** are due Jan. 31, 2009. The application form is available at <http://www.iowadnr.com/other/ee/index.html>

Nominations will be taken for agricultural operation, farm or ag-related business or organization. Award categories include

- Environmental Excellence Award for comprehensive approach to sustainable resource management and BMPs (Be sure to fill out each of the six sections – all other categories have only five sections)
- water quality
- waste management
- energy efficiency/renewable energy
- air quality
- habitat restoration/development
- disaster recovery

There are usually not that many nominations for agriculture. This would be a good way to recognize a few of the top animal producers, maybe some small or large operations with open feedlots that have addressed their problems. Awards like this can be used to encourage other producers, too. Note, the application needs to be completely filled out, as each section has an available number of points

**Digesters:** Paul has worked with Christine Spackman, Bob Palla and Randy C. to redo the PIG for digester construction and permitting. They have separated those for confinements, open lots and industrial to better match the rules and create consistency in permitting future projects. A video conference will be held tomorrow (12/18) regarding this if your office is interested in attending. Please contact Bob or Paul for the time it is either 10 or 10:30 a.m.

**4 year rotation of P-index plans:** A facility has a December MMP due date, but a new owner buys this facility and submits his original P-index plan in April 2005. His next complete plan will be due December 2009. In some cases new owners will get <4 years before submitting a new plan or in some cases they may get >4 years, just depending upon when they purchase the facility and when the facility due date is. Randy will look at rewording our rules so that producers are not in violation if it is a few months beyond the 4 years when the due date falls.

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**45-day Reminder Letters** A discussion was had regarding eliminating the 45-day reminder letters for MMP updates. This would be a large cost savings to the DNR in postage, envelopes, paper and staff time. There are also some concerns with this idea. Ken will take all of these under consideration. Further discussion will be forthcoming on this subject.

**Consistently receiving NOVs** It was brought up that some facilities receive NOVs for not submitting their MMP updates year after year after year. It is the opinion of legal and management that we can move forward on these facilities that are chronically late several years in a row to issue a referral for and Administrative Order with penalty. Eric will consider a site that he is aware of. If you have facilities such as this please talk to Ken about moving forward with an AO.

<http://pubwiki.extension.org/mediawiki/files/4/4c/08decflyer.pdf>

Be reminded to view this link if you are involved with MMPs and would like to know more about the Manure Management Planner. The webcast is on Friday 12/19 at 1:30 p.m. Staff is encouraged to watch this if you work with MMPs and NMPs.

Submitted by Cindy Martens